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MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 2, 2008

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, DECEMBER 2, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
John Evans, Fire Chief
Jim Welch, Finance Director
Kevin Astill, Parks and Recreation Director
Buzz Nielsen, Police Chief
Layne Morris, Community Preservation Director
Russell Willardson, Public Works Director
Joseph Moore, CED Director
Nicole Cottle, Acting City Attorney
Aaron Crim, Administration
Craig Thomas, Administration
Owen Jackson, Administration
Stan Varney, Fire Department
Kris Romijn, Fire Department
Jake Arslanian, Public Works Department

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OPENING CEREMONY

The Opening Ceremony was conducted by Mike Winder who read humorous thought.

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14306 **SCOUTS**

Mayor Nordfelt welcomed a scout from Scout Troop No. 644 in attendance to complete the Citizenship in the Community merit badge.

14307 **APPROVE MINUTES OF REGULAR MEETING HELD NOVEMBER 18, 2008**

The Council read and considered the Minutes of the Regular Council Meeting held November 18, 2008. There were no changes, corrections or deletions.

After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Council Meeting held November 18, 2008, as written. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14308 **PRESENTATION OF ESSENTIAL PIECE AWARDS TO EMPLOYEES OF ADMINISTRATION, FIRE, LAW, PARKS AND RECREATION, POLICE AND PUBLIC WORKS DEPARTMENTS**

Councilmember Rushton read a narrative recognizing and celebrating the efforts of employees of Administration, Fire, Law, Parks and Recreation, Police and Public Works Departments regarding a Democratic Party event which included a visit from former presidential candidate Senator Hillary Rodham Clinton which was held at the Utah Cultural Celebration Center recently.

The City Council members congratulated and expressed appreciation to recipients of the award and thanked them for their efforts on behalf of the City.

14309 **COMMENT PERIOD**

Upon inquiry there was no one in attendance who desired to address the City Council during the Comment Period.

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14310 **RESOLUTION NO. 08-285, AUTHORIZE PURCHASE OF COLD WEATHER OUTERWEAR FROM SKAGGS COMPANIES, INC. FOR USE BY POLICE OFFICERS IN THE POLICE DEPARTMENT**

City Manager, Wayne Pyle presented proposed Resolution No. 08-285 which would authorize the purchase of cold weather outerwear from Skaggs Companies, Inc., in an amount not to exceed \$65,000.00, for use by officers in the Police Department.

Mr. Pyle stated the recommended purchase included Blauer 9970-2 with Blauer 4650 liner for all sworn officers. He also stated the outer shell was a Supershell with Crosstech and IllumiNite. He indicated the liner was a fleece liner that could be worn as a separate more light-weight piece of outerwear.

The City Manager reported the U.S. Department of Justice Programs allowed the West Valley City Police Department to receive Justice Assistance Grant (J.A.G.) funds. He indicated the grant amount would be \$40,430.00. He also indicated the funds could be used to purchase equipment, to fund approved programs, and pay salaries for approved programs. He stated this was a non-matching grant and the department was not required to match funds. The remaining balance would be paid for using department budgetary money for protective gear. The Police Department intended to outfit each of its officers with a piece of outerwear that would improve officer safety. He stated the Blauer 9970-2 was a waterproof, windproof, breathable material that was blood, body fluid and chemical resistant. The IllumiNite was an abrasion resistant, reflective material that allowed for officer visibility at one angle, but concealment at another. He also reported Skaggs Companies, Inc. offered the subject equipment on a State contract.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-285, a Resolution Authorizing West Valley City to Purchase Cold Weather Outerwear from Skaggs Companies, Inc. for use by Police Officers in the Police Department. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes

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Mayor Nordfelt Yes

Unanimous.

14311 **RESOLUTION NO. 08-286, AUTHORIZE PURCHASE OF DESKTOP AND LAPTOP COMPUTERS FROM VALCOM COMPUTER CENTER FOR USE BY THE POLICE DEPARTMENT**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-286 which would authorize the purchase of desktop and laptop computers, in an amount not to exceed \$28,196.87, for use by the Police Department.

Mr. Pyle stated 25% of the computers in the Police Department would be replaced each year through a HP Lease Purchase Agreement. He further stated the Police Department had historically replaced computers with line item funding that had not been able to keep up with demand due to the severe conditions to which most of the computers were subject. Working with the City's IT Division, the Department had found that by participating in the City's current HP Lease Purchase Agreement, the Department would be able to replace 25% of its computers each year, as well as secure a "Total Care" package with each laptop that would cover the costs of repairs the computers needed during the lease agreement. He also stated each computer would be leased for a period of four years and the City would then be able to purchase the computer for one dollar.

The City Manager indicated the fiscal impact of \$28,196.87 was based upon a 7% interest rate. He also indicated that next year the number would be estimated at \$56,393.75. He stated in year three, the estimated cost would be \$84,590.62. Year four, and each subsequent year, would be \$112,787.50 based upon the cost of the computers at today's price and current interest rates.

Upon discussion, Councilmember Burt suggested the old computers be donated to schools after the hard drives had been scrubbed.

After discussion, Councilmember Burt moved to approve Resolution No. 08-286, a Resolution Authorizing the Purchase of Desktop and Laptop Computers from Valcom Computer Center for use by the Police Department. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent Yes
Mr. Brooks Yes

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Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14312 **RESOLUTION NO. 08-287, APPROVE EXHIBIT AGREEMENT WITH MARY MEIGS ATWATER WEAVERS GUILD FOR DISPLAY OF ARTWORK AT THE UTAH CULTURAL CELEBRATION CENTER**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-287 which would approve an Exhibit Agreement with Mary Meigs Atwater Weavers Guild for display of artwork at the Utah Cultural Celebration Center.

Mr. Pyle stated the Utah Cultural Celebration Center (UCCC) had partnered with the Atwater Weavers Guild to host their biennial exhibition from January 16 through March 11, 2009. He further stated the show would include works by local fiber artists and weavers from throughout Utah. He indicated an opening reception had been planned for Friday, January 16, 2009, from 6:00 P.M. – 8:00 P.M.

The City Manager, reported the show was titled, “Celebrating Fiber Arts: Past to Present,” and included contemporary works as well as historic weavings. He indicated the show would be open to any fiber artist living in Utah whose work featured hand crafted weaving and/or other fiber techniques. All works must have been completed within the last two years. He stated entries were juried by the Guild for inclusion in the show and judged for awards presented by the Guild. The opening reception would be free and open to the public. A harpist would perform live background music and light refreshments would be served. He stated the Atwater Weavers Guild would contribute funding for refreshments and entertainment. He reported ZAP funds would be used for printed promotional materials.

Mr. Pyle stated a free public lecture would be presented on the evening of Thursday, February 12, 2009.

The City Manager advised the total value of the items to be displayed in the exhibit had been estimated at not more than \$130,000. He also advised a final value would be determined and submitted to the Law Department when exhibit items were delivered to the UCCC on January 8, 2009.

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After discussion, Councilmember Vincent moved to approve Resolution No. 08-287, a Resolution Authorizing the Execution of an Exhibit Agreement between West Valley City and Mary Meigs Atwater Weavers Guild (MMAWG) for the Display of Artwork at the Utah Cultural Celebration Center. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14313

RESOLUTION NO. 08-288, AUTHORIZE PURCHASE OF AN ASPHALT PAVING MACHINE FROM CATE EQUIPMENT COMPANY FOR USE BY THE PUBLIC WORKS DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-288 which would authorize purchase of an asphalt paving machine from Cate Equipment Company, in an amount not to exceed \$74,659.45, for use by the Public Works Department.

Mr. Pyle stated the recommended purchase would be a LeeBoy Model 7000 paving machine which had been allocated in the FY 2008-2009 budget to replace the existing and worn out 12-year old paving machine. He also stated the subject equipment was crucial in repairing roads in the City.

The City Manager indicated a request for bids had been published to purchase an asphalt paving machine for the Operations Division and two bids had been received, as follows: 1) Wheeler Machinery (Bomag Model 4413 asphalt paver): \$80,572.00; and 2) Cate Equipment (Model 7000 LeeBoy paving machine): \$74,659.45.

City Manager, Wayne Pyle, stated Cate Equipment had submitted the lowest responsible bid.

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After discussion, Councilmember Winder moved to approve Resolution No. 08-288, a Resolution Authorizing the City to Purchase an Asphalt Paving Machine from Cate Equipment Company for use by the Public Works Department. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14314

RESOLUTION NO. 08-289, AUTHORIZE PURCHASE OF TWO CATERPILLAR MODEL CB24 ASPHALT COMPACTORS FROM WHEELER MACHINERY FOR USE BY THE PUBLIC WORKS DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No 08-289 which would authorize purchase of two caterpillar model CB24 asphalt compactors from Wheeler Machinery, in the amount of \$31,350.00 each, for a total of \$62,700.00, for use by the Public Works Department.

Mr. Pyle stated money had been budgeted in the FY 2008-2009 budget to replace the existing 10-year old asphalt compactors which were worn out. He also stated the equipment was crucial in repairing roads in the City. He indicated a request for bids had been published and the following bids were received: 1) Cate Equipment: \$36,800.00 (Model Dynapac CC122 – tandem asphalt roller); 2) Cate Equipment: \$42,500.00 (Volvo 1-R DD29 – double drum compactor); 3) Cate Equipment: \$35,150.00 (Wacker RD 27-100); and 4) Wheeler Machinery: \$31,350.00 (Caterpillar Model CB 24 – utility compactor).

The City Manager reported Wheeler Machinery had submitted the lowest responsible bid.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-289, a Resolution Authorizing the City to Purchase Two Caterpillar Model CB24

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Asphalt Compactors from Wheeler Machinery for use by the Public Works Department. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14315

RESOLUTION NO. 08-290, APPROVE AMENDMENT TO THE AGREEMENT WITH STANTEC CONSULTING SERVICES, INC. FOR ENVIRONMENTAL STUDIES TO RELOCATE WETLANDS SITUATED AT CENTENNIAL PARK

City Manager, Wayne Pyle, presented proposed Resolution No. 08-290 which would approve an Amendment to the Agreement with Stantec Consulting Services, Inc., in the amount of \$10,400.00, for environmental studies to relocate wetlands situated at Centennial Park.

Mr. Pyle stated Stantec Consulting, Inc. was performing environmental studies to relocate wetlands situated at Centennial Park. The City and Stantec entered into an agreement to provide professional services on November 28, 2006. He further stated the original scope of the work expanded, which required additional research and reporting as well as an amendment to the original agreement. The scope of the work had continued to expand which now required a second amendment to the original agreement.

The City Manager explained the City had contacted Stantec Consulting, Inc. to perform environmental studies and prepare a report and permit request to the U.S. Corps of Engineers to move wetlands on Centennial Park at the corner of 3100 South and 5600 West. Stantec estimated the amount of hours necessary to perform the services and priced them at \$1,700.00 in the original agreement.

Mr. Pyle stated that in approximately May of 2007, the scope of Stantec's work expanded such that an amendment to the original agreement became necessary. The first amendment was executed, which authorized Stantec to expand the scope

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of the work and also raised the compensation to an amount not to exceed \$18,000.00.

City Manager, Wayne Pyle, reported Stantec Consulting now indicated that additional services would be necessary to complete the project, which necessitated a second amendment to the original agreement. The new estimate of services had been priced at an amount not to exceed \$10,400.00.

Mr. Pyle further reported a draft report had been completed then reviewed by Public Works and Parks Departments. He indicated Stantec made some necessary changes and new calculations and were nearly ready for a review of the final draft. He stated when Stantec received approval they would submit the report and permit request to the U.S. Corps of Engineers.

After discussion, Councilmember Burt moved to approve Resolution No. 08-290, a Resolution Authorizing the Execution of an Amendment to an Agreement with Stantec Consulting Services, Inc. for Environmental Studies to Relocate Wetlands Situated at Centennial Park. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14316

RESOLUTION NO. 08-296, APPROVE REAL ESTATE EXCHANGE AGREEMENT WITH WEST VALLEY CITY AND DURA CRETE, INC., FOR PROPERTIES BEING EXCHANGED AS A RESULT OF THE 1400 WEST REALIGNMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-296 which would approve a Real Estate Exchange Agreement with West Valley City and Dura Crete, Inc., for properties being exchanged as a result of the 1400 West Realignment Project.

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Mr. Pyle stated that in 2007, the Redevelopment Agency paid for the realignment of 1400 West at approximately 3500 South. He also stated, as a result of the realignment, property owned by Dura Crete had been impacted. He indicated Dura Crete had agreed to accept compensation and a property exchange to facilitate completion of the realignment. He further indicated the Redevelopment Agency was paying for the costs of the transaction and the City would be designated as the Grantee with authority to accept and convey the deeds.

The City Manager reported that when the Agency commenced the project Dura Crete suffered a net loss of property when the realignment had been constructed over a parcel of Dura Crete's property, and another parcel was severed from Dura Crete's property. He stated to mitigate the loss of property the Agency facilitated a property exchange allowing Dura Crete to acquire a parcel of property currently owned by a third party that adjoined Dura Crete's un-impacted property. In addition, the Agency had agreed to compensate Dura Crete for its net loss of property as well as a temporary taking suffered by Dura Crete during the realignment. He further stated a Real Estate Exchange Agreement had been prepared between the City, the Agency, and Dura Crete, Inc. setting forth terms and conditions agreed upon by those parties, and had been provided in the Council's information packets.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-296, a Resolution Approving a Real Estate Exchange Agreement with West Valley City and Dura Crete, Inc. for Properties Being Exchanged as a Result of the 1400 West Realignment Project. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

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14317 **RESOLUTION NO. 08-297, APPROVE REAL ESTATE EXCHANGE AGREEMENT WITH WEST VALLEY CITY AND ROYAL SOLUTIONS, LLC, FOR PROPERTIES BEING EXCHANGED AS A RESULT OF THE 1400 WEST REALIGNMENT PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-297 which would approve a Real Estate Exchange Agreement with West Valley City and Royal Solutions, LLC, for properties being exchanged as a result of the 1400 West Realignment Project.

Mr. Pyle stated that in 2007 the Redevelopment Agency paid for the realignment of 1400 West at approximately 3500 South. He also stated, as a result of the realignment, property owned by Royal Solutions had been impacted. He indicated Royal Solutions agreed to a property exchange to facilitate completion of the realignment and to share the costs of environmental studies required on one parcel of land to be exchanged as a result of the realignment. He indicated the Agency was paying for the other costs of the transaction and the City would be designated as the grantee with authority to accept and convey the deeds.

The City Manager reported when the Agency commenced the project, Royal Solutions suffered a net loss of property as result of the realignment being constructed over a parcel of Royal Solutions' property which separated a parcel of property owned by Royal Solutions. He indicated to mitigate impact on the effected property, the Agency facilitated a property exchange allowing Royal Solutions to acquire a parcel of property currently owned by a third party adjoining Royal Solutions un-impacted property. He reported the Agency had designated the City as its grantee and grantor of the exchange property involved in the transaction. He also stated a Real Estate Exchange Agreement had been prepared between the City, the Agency, and Royal Solutions, LLC, setting forth terms and conditions agreed upon by the parties and had been included in the Council's information packets.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-297, a Resolution Approving a Real Estate Exchange Agreement with West Valley City and Royal Solutions, LLC, for Properties Being Exchanged as a Result of the 1400 West Realignment Project. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent

Yes

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Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14318

CONSENT AGENDA:

A. RESOLUTION NO. 08-291, CONSENT TO THE CITY MANAGER'S REAPPOINTMENT OF RUSS BROOKS TO THE WEST VALLEY CITY HOUSING AUTHORITY COMMISSION, TERM: DECEMBER 20, 2008 – DECEMBER 19, 2013

City Manager, Wayne Pyle, presented proposed Resolution No. 08-291 which would consent to the City Manager's reappointment of Russ Brooks to the West Valley City Housing Authority Commission for the term December 20, 2008 through December 19, 2013.

B. RESOLUTION NO. 08-292, CONSENT TO THE CITY MANAGER'S REAPPOINTMENT OF DENNIS NORDFELT TO THE WEST VALLEY CITY HOUSING AUTHORITY COMMISSION, TERM: JANUARY 1, 2009 – DECEMBER 31, 2014

City Manager, Wayne Pyle, presented proposed Resolution No. 08-292 which would consent to the City Manager's reappointment of Dennis Nordfelt to the West Valley City Housing Authority Commission for the term January 2, 2009, through December 31, 2014.

C. RESOLUTION NO. 08-293, CONSENT TO THE CITY MANAGER'S REAPPOINTMENT OF COREY RUSHTON TO THE WEST VALLEY CITY HOUSING AUTHORITY COMMISSION, TERM: DECEMBER 20, 2008 – DECEMBER 19, 2014

City Manager, Wayne Pyle, presented proposed Resolution No. 08-293 which would consent to the City Manager's reappointment of Corey Rushton to the West Valley City Housing Authority Commission for the term December 20, 2008, through December 19, 2014.

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D. RESOLUTION NO. 08-294, ACCEPT AN UNDERGROUND UTILITY EASEMENT FROM BOYCE R. AND BARBARA SORENSON AT 2883 WEST 3500 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 08-294 which would accept an Underground Utility Easement from Boyce R. and Barbara Sorenson at 2883 West 3500 South.

E. RESOLUTION NO. 08-295, APPROVE DELAY AGREEMENT WITH CYPRUS CREDIT UNION FOR A MONUMENT SIGN LOCATED AT APPROXIMATELY 2769 SOUTH 5600 WEST

City Manager, Wayne Pyle, discussed proposed Resolution No. 08-295 which would approve a Delay Agreement with Cyprus Credit Union for a monument sign located at approximately 2769 South 5600 West.

After discussion, Councilmember Winder moved to approve Resolution No. 08-291, 08-292, 08-293, 08-294 and 08-295 as presented on the Consent Agenda. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, DECEMBER 2, 2008, WAS ADJOURNED AT 6:52 P.M., BY MAYOR NORDFELT.

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I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, December 2, 2008.

Sheri McKendrick, MMC
City Recorder

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